

NEBRASKA SPECIAL EDUCATION ADVISORY COUNCIL

Cornhusker Marriott Hotel

January 15, 2015

Meeting Minutes

SEAC MEMBERS PRESENT: Bruha, Ellis, Gentrup, Greene, Hall, Healey, Hitesman, Houlton, Jessop, Jorgensen, Kiernan, Kluver, K. Larsen, S. Larsen, McNiff, Roberts, Sharif, Winkler, Wojcik

MEMBERS ABSENT: Adams, Bright, Demuth, Jones-Hazledine, O'Grady, Pestel, Stoley, Wohlers

NDE STAFF PRESENT: Sherman, Weirda, Bace, Bunnell, Coonts, Heaston, Hoffman, Millikan, Prochazka

SEAC FACILITATOR: Bird

VISITORS: Cindy Tierney from Concord Mediation Center; Sue Czaplewski from NCECBVI; Margaret Worth and Brenda Wid from the NDE Legal Department

The meeting of the Special Education Advisory Council (SEAC) commenced at 8:30 a.m. Public notification of this meeting was made on the Nebraska Department of Education web site and in the Omaha World Herald.

WELCOME – Meeting was called to order by SEAC Speaker, Cindy Ellis, who is replacing Mary Gordon for the remainder of this year following Mary's retirement.

COUNCIL BUSINESS

Open Meetings Law

SEAC meetings are open to the public and Cindy Ellis announced that the Open Meetings Law was posted outside the room.

Cindy introduced new Council member, Kristen Larsen, who is replacing Mary Gordon. Kristen shared information about herself which was followed by group member introductions.

Approval of Meeting Minutes

A motion to approve the minutes of the November 20, 2014 meeting, which will include a minor grammatical change on page 3, was made by Houlton and seconded by Hall.

VOTE:

Aye - Bruha, Ellis, Gentrup, Hall, Houlton, Jessop, Jorgensen, Kiernan, Kluver, S. Larsen, Roberts, Sharif, Winkler, Wojcik

Nay – none

Abstain –Greene, Hitesman, K. Larsen, McNiff

Absent – Adams, Bright, Demuth, Healey, Jones-Hazledine, O'Grady, Pestel, Stoley, Wohlers

The motion carried.

Approval of Agenda

Following a change to the agenda switching two speakers, a motion to approve the agenda was made by Jorgensen and seconded by Greene.

VOTE:

Aye - Bruha, Ellis, Gentrup, Green, Hall, Hitesman, Houlton, Jessop, Jorgensen, Kiernan, Kluver, K. Larsen, S. Larsen, McNiff, Roberts, Sharif, Winkler, Wojcik

Nay - none

Abstain - none

Absent - Adams, Bright, Demuth, Healey, Jones-Hazledine, O'Grady, Pestel, Stoley, Wohlers

The motion carried.

Notice of upcoming Conferences/Meetings

Cindy Ellis asked if there was additional information about upcoming conferences. Conference information can be found on the Office of Special Education website, www.education.ne.gov/sped. SEAC members wishing to attend conferences should notify Ann Bird and the registration will be made with no charge to them.

- PEP – Parents Encouraging Parents, March 19-21 in Kearney
- ASD – Autism Spectrum Disorders Network Conference, April 9/10 in Kearney; Graciela Sharif mentioned that there will be Spanish interpreters on the 9th, and that she will assist Spanish speaking people who are interested in attending to obtain the necessary information about funding assistance.

Public Comments

Ann Bird explained the purpose of the Open Meetings Law. Cindy Ellis asked if there were any public comments; there were none.

Federal Update - Beth Wierda & Amy Bunnell

Beth Wierda presented an updated status of IDEA Part B.

The now combined SPP/APR is due February 1st. SEAC reviewed data, targets and goals at the November meeting; nothing has changed and will be submitted to OSEP February 1 via a new submission process which is computerized.

Amy Bunnell shared that the Part C APR is ready for submission and that no targets, data or activities have changed since SEAC's November review. The Early Childhood Interagency Coordinating Council (ECICC) also reviewed and approved it. Will go to OSEP February 1.

Beth Wierda said that Part B has added a new indicator this year, B17, which is a measurable state improvement plan. She explained it's two parts and shared that, while it has taken more time, it has enriched the conversations in Nebraska.

For Sect. 619 (Preschool) Nebraska's strategy is to implement the Teaching Pyramid, which focuses on child outcomes related to social/emotional development and acquisition of related skills. After reviewing all facets, Nebraska selected Indicator 3 which involves results on assessments.

In IDEA Part C, Indicator 11 states that Nebraska must have a state improvement plan. While April 1 is the due date, Nebraska will submit a full draft report to the OSEP contact later today for review and input. Nebraska also chose to do a family outcome Indicator that has to do with acquisition of knowledge and skills.

Nebraska is one of only a few states doing a complete early draft submission. Being a Co-lead state, this provides a better perspective and widens our information base; Nebraska benefits from a more broad stakeholder pool than a single agency coordinating a submission.

Federal Applications for IDEA Parts B and C

Part B must indicate that Nebraska is implementing all of the federal regulations. Will also include indication of what Nebraska is doing with its State Set-Aside funds, that it is maintaining fiscal effort, serving ages birth to 21, and is meeting GEPA requirements. Application must go out for public comment (30 days) and review (60 days). Part B is due May 12; review will begin February 23 and go through April 24; comment February 23 through March 25. Document will be on the website for review and a link will go out to SEAC members for review once it is there.

Part C application is due April 2 and must state that Nebraska is implementing federal IDEA Part C regulations. Two new regulations that Nebraska has created policies for are the Public Participation requirements and Nebraska's System of Payments. Because Nebraska is a birth mandate state, Part B funds can be utilized for early intervention services. This ensures that parents are not being charged for FAPE (Free and Appropriate Public Education) services, and that Nebraska does not use private insurance in certain situations. Public hearings will occur for these two new policies before they can be included with the Part C Application on April 21. Hearings are scheduled: February 19 at 10a.m. in Lincoln, and by video conference on February 20 at 2p.m. in Lincoln, Omaha (ESU3) and Scottsbluff at the Vocational Rehab office. The public review period is February 19 through April 20, and the public comment period is from February 19 through March 21. Once approved Nebraska will be eligible to receive a Part C allocation.

New PRT - Elkhorn

As of August 1, Elkhorn School District, which had been part of PRT 3, has been approved to become its own Planning Region Team. Nebraska will now have 29 Planning Regions.

Possible Expansion of Medicaid in Nebraska

Because Nebraska is a birth mandate state, the majority of services for infants and toddlers with disabilities are the responsibility of the school districts. As a part of that process Nebraska utilizes Medicaid funding, or MIPS (Medicaid in Public Schools). Currently speech, occupational and physical therapies are reimbursable services. During the last session legislation was passed in Nebraska regarding the expansion of that program, and more will be shared over the lunch hour.

Annie commented that Nebraska was a forerunner in providing Special Education services to children with special needs, and that it might be both helpful and educational to compile a list of the state's chronological key points.

SEAC Committee Report/Teresa Coonts – Deaf/Blind Advisory Committee

Teresa Coonts handed out a brochure and a project model information sheet for children who are deaf-blind. She discussed the history of a five-year grant which runs through the Office of Special Education. The Nebraska Center for the Education of Children who are Blind or Visually Impaired (NCECBVI) receives funds from this grant and Teresa took SEAC through the five primary goals of the Nebraska Deaf-Blind Project. Website and webinars are being utilized. There are some cutting edge things being done regarding Technical Assistance equipment and applications.

The Annual Deaf-Blind Institute is scheduled for July 20-23, 2015, in partnership with UNL. Presenters are being selected and the agenda finalized.

Regarding use of Braille in assessments there is a small Nebraska stakeholder group working to determine what other states are doing and creating a plan. Teresa is confident in the plan Nebraska uses, but is staying very connected at the National level.

SEAC Committee Report (Sue Czaplewski and Teresa Coonts of the Deaf/Hard of Hearing Committee)

Sue filled in for Rhonda Fleischer and shared some key points in history: 1867 the Nebraska School for the Deaf opened, closed in 1997, and also provided parent and professional training during its years of operation. The D/HH Regional Network was established in 1997 and provides a variety of activities. Sue explained the meetings and events that occur, saying that students are very connected and involved. There are typically three statewide activities each for elementary and high school students. Staff are available to the districts for technical assistance and have equipment to loan out to try before purchase. There are a number of professional development opportunities for staff within Nebraska and nationally. Additionally there are summer workshops for parents, interpreters and deaf educators; national presenters, BoysTown, and DVDs are utilized for training. "Technology Tubs" have various items for parents to try. Sue also informed the Council that UNO has begun an interpreter training program.

Teresa shared about LR517, a legislative resolution to look at the quality and availability of interpreters across the state for children and adults who are D/HH. The Commission for Deaf/Hard of Hearing has taken the lead. Handouts about the state's four D/HH regions were shared.

Special Education Complaint Process

Beth Wierda shared a power point with details about the Complaint Process in Nebraska. NDE encourages that a dispute be addressed as close to the child as possible and available processes include: Mediation, Written Complaints, Due Process, and in Nebraska, the additional informal system of contacting a Regional NDE SPED Consultant. Parents can access any and all of the systems and in no specified order or combination.

Working Lunch

Legislation (Steve Milliken, NDE Consultant and Gary Sherman, Office of Special Education Administrator)

SEAC members often wonder what their role is in relation to Legislation. Gary explained that, as the primary body advising the State Board/NDE on Special Education policy, SEAC will provide its opinions to NDE which will then share them with the State Board. An NDE legislative retreat occurs where the State Board reviews the various bills and takes

respective positions of support, neutrality, or opposition. Gary discussed how this process works with SEAC.

Steve Milliken reviews legislative proposals related to Special Education and shared the following updates:

LB16 is related to Vocational Rehabilitation and develops a 9-member Council entitled the "Council on Purchasing from Persons with Disabilities." This Council will be comprised of a number of agencies and individuals and include regulations about how individuals with disabilities are employed, and the purchase/sale of products created by persons with disabilities.

LB50 would appear to restrict Medicaid and eliminate expansion as per LB276 passed in the previous session.

Mention was made about a possible bill being proposed regarding dyslexia. NDE SPED staff have met with representatives from the Dyslexia Association to discuss concerns.

There has been some thought about a possible need for legislation regarding the timeline for Individual Education Plans (IEPs). However, this is currently covered in Rule 51. The last day for submitting bills is January 21st. If anything emerges of an emergency nature it will be brought to the SEAC Executive Committee.

Special Education Due Process Procedure (Margaret Worth, NDE Legal Counsel)
Margaret provided data from the last 5 years saying there has been just one case go through the whole process. The general hope is that Due Process is the final formal process for resolution of conflicts. Discussed Rules 55, 51 and 52 and the process for how a case begins and proceeds to conclusion.

Special Education Mediation Process (Cindy Tierney, Executive Director of Concord Mediation Center)
Concord Mediation Center in Omaha, one of six such Centers, which contracts with NDE. Cindy shared that mediation is available across Nebraska through the six centers and is provided at no cost to the families. She shared the mission and goals of Concord Mediation, and led the group in an activity that demonstrated interaction and collaboration. She then discussed various conflict resolution styles.

Special Education Informal Dispute Resolution Process (Jeanne Heaston, NDE Special Education Office)
Jeanne explained that NDE Special Education Office staff have regional assignments based on the ESU boundaries. The main focus for each of the Regional Staff members is to be a resource to both school districts and parents to ensure that Rule 51 is being implemented, and that the rights of children with disabilities are being protected. Staff often answer questions, address concerns, and encourage open communication between parents and school districts to resolve disagreements.

Mention was made about accessing the Dispute Resolution page on the NDE SPED website and how to contact the NDE SPED Office.

Small Group Discussions (Dispute Resolution Activity led by Ann Bird)

The group broke into three small groups and discussed which system of dispute resolutions could be used to resolve conflict. Each group discussed the options for resolving and reported out.

Two activities before the April meeting will be:

- Priorities Committee will meet to make recommendations for new SEAC priorities.
- Executive Committee is reviewing Operating Procedures.

Motion was made by Roberts and seconded by Bruha to adjourn the meeting at 3:00pm. The next meeting is Thursday, April 16 at 8:30a.m.